

June 8, 2004

US Serial No. 10/035,215

REMARKS

Original claims 1 – 3 and 5 – 17, previously presented claims 41 – 53, and new claims 54 and 55 are now pending.

New claims 54 and 55 are presented to capture a further step that may be utilized in the methods of the present invention, and are supported by the disclosure at page 16, last paragraph.

The Office Action stated that previously presented claims 44 – 53 are directed to a non-elected invention. This assessment is incorrect and so is respectfully traversed.

The examiner considers new claims 44 – 53 as falling within the non-elected subject matter of Group V of the restriction requirement. Group V consisted of previous *independent* claims 32 – 34, directed to macropropagation in float beds.

Claims 44 – 53 are not limited to that aspect, but are a further step in the elected claims, which are directed to a tissue culture and propagation method, and so should not be restricted as drawn to a *different* invention. They are not directed to an apparatus *per se*. Thus, as claims 44 – 53 are ultimately dependent from claim 1, they do indeed read on the elected invention.

Accordingly, claims 44 – 53 should be deemed as part of the elected invention, and examined along with the rest of the claims. The following responses to the outstanding rejections are applicable to these claims as well.

June 8, 2004
US Serial No. 10/035,215

Claims 1 and 43 were rejected as being obvious over Linder in view of Murashige and Caponetti. This rejection is respectfully traversed to the extent it may apply to the present claims.

Amended claim 1 (from which claim 43 depends) recites the additional step of transferring the plantlets or nodal segments thereof to a solid or semi-solid shoot multiplication medium to obtain multiple shoots from the plantlets (from cancelled claim 4). None of the cited references discloses or even suggests this step. Accordingly, since a *prima facie* case of obviousness does not exist for claims 1 and 43, this rejection should be withdrawn.

Secondly, claims 2, 3, 5 – 7, 10, 11, 41, and 42 were rejected as being obvious over Linder in view of Murashige and Caponetti (as above), further in view of Woods (Applicants' previous patent).

As these claims are dependent from claim 1, they incorporate the limitations thereof. Thus, since none of the cited art discloses the limitations of claim 1, this rejection should be withdrawn.

The rejection of claims 4 and 15 – 17 over the Marton publication is respectfully traversed.

The Marton publication does not constitute prior art, because it was published August 15, 2002. The present application was filed January 4, 2002, well prior to the Marton publication date. In fact, these claims are supported by Applicants' provisional application as well. Therefore, withdrawal of this rejection is deemed proper.

June 8, 2004
US Serial No. 10/035,215

Claims 12 – 14 are rejected as being obvious over Linder/Murashige/Caponetti/Woods as stated in the rejection above, and further in view of Stuart. The Stuart reference is cited for teaching the use of asparagine in liquid tissue culture medium to increase somatic embryo size.

It is Applicants' position that this rejection is moot in view of the amendments herein. However, for the record, the following comments are asserted.

Stuart was dealing with the class of legumes, not reed grasses. Moreover, according to Stuart, asparagine was not that effective in stimulating embryogenesis, although allowed for some increase in embryo size (see column 6, lines 29 – 31 and the drawing). Based on the disclosure of Stuart, one skilled in the art would not have been motivated to use asparagine in the liquid suspension medium of claim 12. Moreover, the examiner admits that Linder/Murashige/Caponetti/Woods do not teach the components of the media recited in claims 12, 13 and 14; however, she does not provide any support that Stuart teaches the media of claims 12 and 13, either.

In any event, the withdrawal of this rejection is deemed proper.

Finally, Claims 7 – 9, 11 and 42 are rejected over Linder/Murashige/Caponetti/Woods, further in view of Sutter. Sutter teaches, however, that the choice of media depends on the species to be cultivated, not on ease of preparation. As such, the examiner has not established any motivation provided in Sutter to use LS media in the methods presently claimed.

June 8, 2004
US Serial No. 10/035,215

Additionally, the new limitations of the claims have not previously been considered. Therefore, this rejection should be withdrawn.

It is respectfully submitted that claims 1 – 3, 5 – 17, and 41 – 43 are in condition for allowance. Moreover, claims 44 – 53 should be allowed along with these claims, as they merely further limitations of the elected invention. Finally, none of the rejections are applicable to new, dependent claims 54 and 55 for the same reasons as set forth above. Thus, these claims are considered allowable as well.

Prompt allowance of this application is earnestly solicited.

Respectfully submitted,



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